



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2135

DATE SCANNED 7-5-11

SCANNER NO. 2

SCAN OPERATOR JMP

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEDERAL ELECTION
COMMISSION
SECRETARIAT

2010 JUN -9 A 11: 55

June 9, 2010

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: ALEC PALMER
ACTING STAFF DIRECTOR *AP*

FROM: PATRICIA CARMONA *PC*
CHIEF COMPLIANCE OFFICER

DEBBIE CHACONA *DC*
ACTING ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: ^{*NME*} NATALIYA IOFFE/^{*DM*} RHIANNON MAGRUDER/^{*W*} IAN WANDNER
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION – 2010 APRIL
QUARTERLY REPORT FOR THE ADMINISTRATIVE FINE PROGRAM

Attached is a list of political committees and their treasurers who failed to file the 2010 April Quarterly Report in accordance with 2 U.S.C. § 434(a). The April Quarterly Report was due on April 15, 2010.

The committees listed in the attached RTB Circulation Report filed the report more than five (5) days after the due date or failed to file the report. In accordance with the schedule of civil money penalties for reports at 11 CFR § 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. § 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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6/9/2010 11:49 AM

Federal Election Commission
Reason to Believe Circulation Report
2010 APRIL QUARTERLY Not Election Sensitive 04/15/2010 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2126	C00392290	ACE CASH EXPRESS INC PAC		DAVID DODSON	\$259,403	1	4/21/2010	6	\$41,391	\$400
2127	C00161570	AMERICAN PUBLIC POWER ASSOCIATION, PUBLIC OWNERSHIP OF ELECTRIC RESOURCES PAC		MICHELLE LYNN CHANDLER	\$136,070	0	4/28/2010	13	\$42,732	\$460
2128	C00406041	ARLINGTON DEMOCRATIC JOINT FEDERAL CAMPAIGN		JEAN MARSHALL CRAWFORD	\$123,749	0	5/5/2010	20	\$20,000	\$210
2129	C00204388	BI-COUNTY POLITICAL ACTION COMMITTEE (FKA SUFFOLK PAC)		IRA LAMEL	\$102,867	2	4/30/2010	15	\$4,501	\$150
2130	C00467506	BOWERS FOR CONGRESS	BOWERS, RUSSELL WESLEY	RICHARD WAYNE BLAKE	\$187,344	0	4/26/2010	11	\$108,849	\$2,035
2131	C00451104	BYRON LEE FOR CONGRESS	LEE, BYRON LYNN	LESTER DUNN JR.	\$297,406	1	4/23/2010	8	\$12,200	\$187
2132	C00420125	CHIANG PATEL AND YERBY INC PAC		DAVID W. HAYS	\$105,653	0	4/27/2010	12	\$18,750	\$170
2133	C00463976	DEDE FOR CONGRESS INC	SCOZZAFAVA, DIERDRE K.	DIERDRE K. SCOZZAFAVA	\$762,971	0		Not Filed	\$254,324 (est)	\$8,800
2134	C00426320	LIBERTARIAN PARTY OF INDIANA		TODD SINGER	\$132,268	0	4/29/2010	14	\$24,532	\$180
2135	C00466839	MEISTER FOR SENATE	MEISTER, JACOB J.	RYAN C. SCOTT	\$2,315,051	0	4/23/2010	8	\$171,153 (est)	\$2,060
2136	C00467670	PAGLIUCA FOR SENATE	PAGLIUCA, STEVE	SANJAY SAIMI	\$16,692,686	0	5/18/2010	Not Filed	\$32,813	\$990

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AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA 6/9/2010	RTB Penalty
2137	C00252825	PLUMBERS UNION LOCAL 690 POLITICAL ACTION COMMITTEE		JOHN I. KANE	\$434,238	0	4/21/2010	6	\$85,723	\$1,100
2138	C00452995	POSTMA FOR CONGRESS	POSTMA, JAMES LEE	JAMES LEE POSTMA	\$167,294	0		Not Filed	\$41,824 (est)	\$990
2139	C00078196	RHODE ISLAND REPUBLICAN STATE CENTRAL COMMITTEE		MARC TONDREAU	\$107,807	0		Not Filed	\$7,851 (est)	\$330
2140	C00421396	SCHERER FOR YOUR CONGRESSMAN	SCHERER, THOMAS E. MR.	GLENN SEEVER	\$161,158	0	5/14/2010	29	\$320	\$170
2141	C00457952	SEAN SALAZAR FOR SENATE	SALAZAR, SEAN COREY	SEAN SALAZAR	\$105,794	0		Not Filed	\$26,449 (est)	\$990
2142	C00466771	SURGICAL INSTITUTE OF READING LP-PAC; THE		STEPHEN P. BANCO	\$119,149	0		Not Filed	\$119,149 (est)	\$4,950

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2010)
April Quarterly Report for the)
Administrative Fine Program:)
SCHERER FOR YOUR CONGRESSMAN,) AF# 2140
and SEEVER, GLENN as treasurer;)
ARLINGTON DEMOCRATIC JOINT) AF# 2128
FEDERAL CAMPAIGN, and JEAN)
MARSHALL CRAWFORD as treasurer;)
BI-COUNTY POLITICAL ACTION) AF# 2129
COMMITTEE (FKA SUFFOLK PAC), and)
IRA LAMEL as treasurer;)
LIBERTARIAN PARTY OF INDIANA,) AF# 2134
and TODD SINGER as treasurer;)
AMERICAN PUBLIC POWER) AF# 2127
ASSOCIATION, PUBLIC OWNERSHIP)
OF ELECTRIC RESOURCES PAC, and)
CHANDLER, MICHELLE LYNN as)
treasurer;)
CHIANG PATEL AND YERBY INC PAC,) AF# 2132
and DAVID W HAYS as treasurer;)
BOWERS FOR CONGRESS, and) AF# 2130
RICHARD WAYNE BLAKE as treasurer;)
BYRON LEE FOR CONGRESS, and) AF# 2131
LESTER DUNN JR as treasurer;)
MEISTER FOR SENATE, and RYAN C) AF# 2135
SCOTT as treasurer;)
ACE CASH EXPRESS INC PAC, and) AF# 2126
DAVID DODSON as treasurer;)
PLUMBERS UNION LOCAL 690) AF# 2137
POLITICAL ACTION COMMITTEE, and)
KANE, JOHN I. as treasurer;)
DEDE FOR CONGRESS INC, and) AF# 2133
SCOZZAFAVA, DIERDRE K as treasurer;)
PAGLIUCA FOR SENATE, and SANJAY) AF# 2136
SAIMI as treasurer;)

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POSTMA FOR CONGRESS, and JAMES	AF# 2138
LEE POSTMA as treasurer;	
RHODE ISLAND REPUBLICAN STATE) AF# 2139
CENTRAL COMMITTEE, and)
TONDREAU, MARC as treasurer;)
SEAN SALAZAR FOR SENATE, and) AF# 2141
SEAN SALAZAR as treasurer;)
SURGICAL INSTITUTE OF READING) AF# 2142
LP-PAC; THE, and STEPHEN P BANCO)
as treasurer;)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on June 10, 2010 the Commission took the following actions on the Reason To Believe Recommendation - 2010 April Quarterly Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated June 09, 2010, on the following committees:

AF#2140 Decided by a vote of 6-0 to: (1) find reason to believe that SCHERER FOR YOUR CONGRESSMAN, and SEEVER, GLENN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2128 Decided by a vote of 6-0 to: (1) find reason to believe that ARLINGTON DEMOCRATIC JOINT FEDERAL CAMPAIGN, and JEAN MARSHALL CRAWFORD as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2129 Decided by a vote of 6-0 to: (1) find reason to believe that BI-COUNTY POLITICAL ACTION COMMITTEE (FKA SUFFOLK PAC), and IRA LAMEL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate

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letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2134 Decided by a vote of 6-0 to: (1) find reason to believe that LIBERTARIAN PARTY OF INDIANA, and TODD SINGER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2127 Decided by a vote of 6-0 to: (1) find reason to believe that AMERICAN PUBLIC POWER ASSOCIATION, PUBLIC OWNERSHIP OF ELECTRIC RESOURCES PAC, and CHANDLER, MICHELLE LYNN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2132 Decided by a vote of 6-0 to: (1) find reason to believe that CHIANG PATEL AND YERBY INC PAC, and DAVID W HAYS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2130 Decided by a vote of 6-0 to: (1) find reason to believe that BOWERS FOR CONGRESS, and RICHARD WAYNE BLAKE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2131 Decided by a vote of 6-0 to: (1) find reason to believe that BYRON LEE FOR CONGRESS, and LESTER DUNN JR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2135 Decided by a vote of 6-0 to: (1) find reason to believe that MEISTER FOR SENATE, and RYAN C SCOTT as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2126 Decided by a vote of 6-0 to: (1) find reason to believe that ACE CASH EXPRESS INC PAC, and DAVID DODSON as treasurer violated 2 U.S.C. 434(a) and

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make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2137 Decided by a vote of 6-0 to: (1) find reason to believe that PLUMBERS UNION LOCAL 690 POLITICAL ACTION COMMITTEE, and KANE, JOHN I. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2133 Decided by a vote of 6-0 to: (1) find reason to believe that DEDE FOR CONGRESS INC, and SCOZZAFAVA, DIERDRE K as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2136 Decided by a vote of 6-0 to: (1) find reason to believe that PAGLIUCA FOR SENATE, and SANJAY SAIMI as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2138 Decided by a vote of 6-0 to: (1) find reason to believe that POSTMA FOR CONGRESS, and JAMES LEE POSTMA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2139 Decided by a vote of 6-0 to: (1) find reason to believe that RHODE ISLAND REPUBLICAN STATE CENTRAL COMMITTEE, and FONDREAU, MARC as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2141 Decided by a vote of 6-0 to: (1) find reason to believe that SEAN SALAZAR FOR SENATE, and SEAN SALAZAR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2142 Decided by a vote of 6-0 to: (1) find reason to believe that SURGICAL INSTITUTE OF READING LP-PAC; THE, and STEPHEN P RANCO as treasurer

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Federal Election Commission
Certification for Administrative Fines
June 10, 2010

Page 5

violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintnub voted affirmatively for the decision.

Attest:

June 10, 2010

Date

Shawn Woodhead Werth

Shawn Woodhead Werth
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 11, 2010

Ryan C. Scott, in official capacity as Treasurer
Meister for Senate
2129 N. Western Ave.
Chicago, IL 60647

C00466839
AF#: 2135

Dear Mr. Scott:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an April Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period through March 31, 2010, shall be filed no later than April 15, 2010. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on April 23, 2010, eight (8) days late.

The Act was further amended in 1999 to permit the FEC to impose civil money penalties for violations of the reporting requirements of 2 § U.S.C. 434(a). 2 U.S.C. § 437g(a)(4). On June 10, 2010, the FEC found that there is reason to believe ("RTB") that Meister for Senate and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before April 15, 2010. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$2,080. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$2,080 is due within forty (40) days of the finding, or by July 20, 2010, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$171,153
Number of Days Late: 8
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the

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Commission's RTB finding, or July 20, 2010. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Meister for Senate and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).

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3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Rhiamon Magruder in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Matthew S. Petersen
Chairman

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ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$2,080 for the 2010 April Quarterly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by July 20, 2010. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Meister for Senate

FEC ID#: C00466839

AF#: 2135

PAYMENT DUE DATE: July 20, 2010

PAYMENT AMOUNT DUE: \$2,080

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P.01
FEC OFFICE OF
ADMIN REVIEW

200 JUL 21 A 9 13

July 19, 2010

**Jacob
Meister**

A VOICE FOR ILLINOIS

Federal Election Commission
Office of Administrative Review
999 E Street, NW
Washington, DC 20463

Identification Number: C00466839

Reference: AF 2135; Challenge to Proposed Calculation of Administrative Fine Total

The following statement challenges the calculation of the proposed \$2,080 assessed to Meister for Senate for the late filing of the 2010 April Quarterly Report and asks for leniency in this matter due to the Committee's efforts to wind down the campaign.

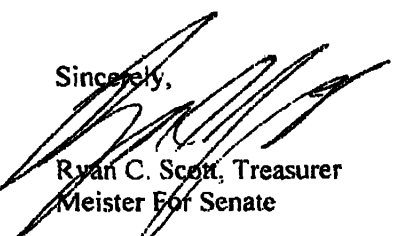
Meister For Senate, hereafter referred to as "the Committee," seeks to challenge the proposed civil penalty of \$2,080 on the basis that the fine was improperly calculated by the Commission. Due to an unforeseen clerical error brought to the Committee's attention by the Reports Analysis Division, and specifically, Vicki Sue Davis's Request For Additional Information to the Committee dated 6/17/10, the original April Quarterly Report includes financial activity that had previously been disclosed on a prior report. This clerical error resulted in a significant inflation of the actual amount of financial activity during the April Quarterly reporting period. The Committee has amended the April Quarterly to disclose the correct amount of financial activity. Thus the Committee challenges the proposed amount of \$2,080 for including financial activity that had previously been disclosed in a timely fashion.

Additionally, the Committee seeks leniency in this matter due to technical difficulties beyond the control of the Committee that had been experienced on the day of the filing deadline. On April 15, 2010, the Treasurer, Ryan Scott, promptly informed the Committee's assigned analyst, Vicki Sue Davis, of this difficulty and was instructed to file the report as soon as possible. The Committee took this advice and filed as soon as the technical issues were resolved. The Committee understands that software issues and technical problems outside the control of the Commission are not grounds for challenging an administrative fine. However, the Committee thinks the Commission should know that this was an issue in its ability to file in a timely manner.

Furthermore, the Committee requests leniency due to the fact that it is in the process of winding down and any additional financial burden will delay its ability to terminate. All financial activity disclosed on the April Quarterly was solely the purpose of winding down the campaign committee. The report shows that \$90,400 (93% of total receipts) were loans received from the candidate, Jacob Meister, in attempts to expedite this process. As it stands, the Committee is unable to terminate due to outstanding debt incurred during the course of the campaign. Thus, the Committee hopes the Commission will consider the implications that additional costs will have in further delaying the termination process.

The Committee asks the Commission to please take these facts into consideration as it evaluates this case.

Sincerely,


Ryan C. Scott, Treasurer
Meister For Senate

P.O Box 220448 | Chicago, IL 60622 | (773) 235-8852 | www.MeisterForSenate.com

Paid for by Meister for Senate

Contributions are not tax deductible for Federal Income Tax purposes. Federal law requires political committees to report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of \$200 in a calendar year. Corporate checks cannot be accepted.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

July 21, 2010

Ryan C. Scott, in his official capacity as Treasurer
Meister for Senate
2129 N Western Avenue
Chicago, IL 60647

C00466839
AF# 2135

Dear Mr. Scott:

On July 21, 2010, the Commission received your written response ("challenge") which is being reviewed by the Office of Administrative Review. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "Dayna C. Brown".

Dayna C. Brown
Acting Reviewing Officer
Office of Administrative Review

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**FEC OFFICE OF
ADMIN REVIEW**

2010 JUL 22 P 2:41

Date: July 22, 2010

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW
CHALLENGE RECEIVED**

AF#: 2135

Committee Name: Meister for Senate

Committee ID#: C00466839

Committee Address (if different than in RTB letter): N/A

Treasurer Name (if different than in RTB finding): N/A

Attachments:

**Copy of RTB Circulation Report, dated June 9, 2010 and RTB Certification,
dated June 10, 2010: Previously Forwarded**

Attachment #: N/A

Certified Return Receipt (to be forwarded at later date if not yet received)(Y/N): Y

Attachment #: 1

Other Relevant Telecoms (Y/N): N

Attachment #: N/A

Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N

Attachment #: N/A

RAD Staff Declaration (Y/N): Y

-2010 April Quarterly Report Prior Notice, dated March 26, 2010.

-RTB Letter, dated June 11, 2010.

Attachment #: 3

Other RAD Information: (Y/N): N

Attachment#: N/A

11092654508



FedEx Express
Customer Support Trace
3875 Airways Boulevard
Module H, 4th Floor
Memphis, TN 38116

U.S. Mail: PO Box 727
Memphis, TN 38194-4643
Telephone: 901-369-3600

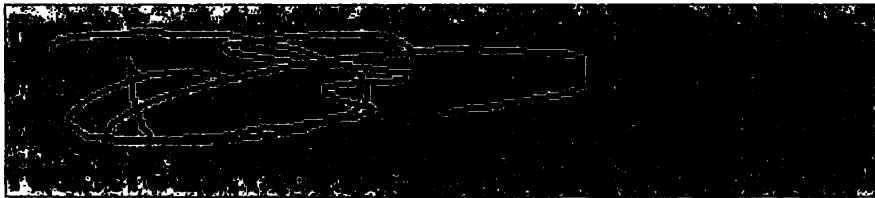
June 17, 2010

Dear Customer:

The following is the proof-of-delivery for tracking number **402983361748**.

Delivery Information:

Status:	Delivered	Delivery location:	CHICAGO, IL
Signed for by:	D.TIDWELL	Delivery date:	Jun 14, 2010 10:24
Service type:	Priority Envelope		



Shipping Information:

Tracking number:	402983361748	Ship date:	Jun 11, 2010
		Weight:	0.5 lbs/0.2 kg

Recipient:
CHICAGO, IL US

Shipper:
WASHINGTON, DC US

Thank you for choosing FedEx Express.

FedEx Worldwide Customer Service
1.800.GoFedEx 1.800.463.3339

11092654509

DECLARATION OF NATALIYA IOFFE

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
 2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Meister for Senate:
 - A) Prior Notice, dated March 26, 2010, referencing the 2010 April Quarterly Report (sent via electronic mail to: info@meisterforsenate.com);
 - B) Reason-to-Believe Letter, dated June 11, 2010, referencing the 2010 April Quarterly Report.
 3. I hereby certify that I have searched the Commission's public records and find that Meister for Senate filed the 2010 April Quarterly Report with the Secretary of Senate on April 23, 2010.
 4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided.
- This declaration was executed at Washington, D.C. on the 22nd day of July, 2010.



Nataliya Ioffe
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission

11092654510



APRIL QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES
PARTIES AND PACS

March 26, 2010

CURRENT REPORT DUE

REPORT	CLOSE OF BOOKS ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
April Quarterly	03/31/10	04/15/10	04/15/10

REPORTING SCHEDULE FOR REMAINDER OF 2010

REPORT	CLOSE OF BOOKS ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
July Quarterly	06/30/10	07/15/10	07/15/10
October Quarterly	09/30/10	10/15/10	10/15/10
Pre-General ²	10/13/10	10/18/10	10/21/10
Post-General	11/22/10	12/02/10	12/02/10
Year-End	12/31/10	01/31/11	01/31/11

Supplemental Filing Information is available:

- Congressional Committees
- Parties and PACs

¹ A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

² **Parties and PACs:** required only if committee makes contributions or expenditures in connection with the general election during the reporting period.

Congressional Committees: campaign committees of a candidate who participates in the general election must file pre-and post-general election reports.

2010 SUPPLEMENTAL FILING INFORMATION CONGRESSIONAL COMMITTEES

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

Principal campaign committees of congressional candidates ¹ (including unopposed candidates and candidates whose names do not appear on the ballot) must file Quarterly Reports in 2010. ²

Campaigns that raise or spend more than \$5,000 for the 2010 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2010, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. See 11 CFR 104.5(a)(2).

Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e).

- Web Page: Electronic Filing Page
- Campaign Guide for Congressional Candidates and Committees (Candidate Guide), pp. 82-84 [PDF]

Paper Filing - Meeting the Filing Deadline

Paper Report filing options -- Registered, Certified or Overnight or First Class Mail.

See 11 CFR 104.5(e).

- Web Page: Link to Paper Forms (for downloading and printing)
- Candidate Guide, p. 81 [PDF]

¹ Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions or expenditures. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a).

² If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z [PDF].

PRE- AND POST-ELECTION REPORTS

A committee whose candidate participates in a 2010 state primary, nominating convention or runoff election -- even if unopposed -- must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The campaign committee of a candidate who participates in the general election must file pre- and post-general election reports.

See 11 CFR 104.5(a)(2).

- Web Page: 2010 Congressional Pre-Primary Reporting Dates
- The *Record*: January 2010 issue [PDF]
- *Candidate Guide*, pp. 79-80 [PDF]

48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives any contribution (including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more per source, during the period less than 20 days but more than 48 hours before any election in which the candidate is running.

The notices must reach the appropriate federal filing office within 48 hours of the committee's receipt of the contribution(s). Campaign committees that file electronically **MUST** submit their 48-hour notices electronically. See 11 CFR 104.5(f).

- Web Page: Electronic Filing Page
- Web Page: Link to Paper Forms (for downloading and printing)
- Form 6 Fax numbers
 - Senate campaigns (Secretary of the Senate): (202) 224-1851
 - House Campaigns (FEC): (202) 219-0174
- Campaign Guide: *Candidate Guide*, p. 80 [PDF]

COMPLIANCE

Treasurer Responsibility

Committee Treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings [PDF]
- *Candidate Guide*, p. 7 [PDF]

Administrative Fine Program

Political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- and non-filers).³

See 11 CFR 111.30.

- Web Page: Administrative Fine Program
- *Candidate Guide*, pp. 81-82 [PDF]

³ Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$17,600, even for first-time violations.

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Campaign committees must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,000 during the applicable reporting period (see page 1 of this notice).

See 11 CFR 104.22.

- The Record: March 2009 issue [PDF]
- Federal Register: Notice 2009-03 (February 17, 2009) [PDF]

2010 REPORTING SCHEDULE

- Web Page: 2010 Reporting Dates Page
- The Record: January 2010 issue [PDF]
- Candidate Guide, p. 79 [PDF]

IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the 2001 anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.⁴ This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail or delivery service, and hand delivery.

⁴ Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2009 SEP 20 A 10:50

September 17, 2010

MEMORANDUM

SENSITIVE

To: The Commission

Through: Alec Palmer
Acting Staff Director *AP*

From: Patricia Carmona *PCB*
Chief Compliance Officer

Dayna C. Brown *DCB*
Reviewing Officer
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2135 – Meister for Senate and Ryan C. Scott, in his official capacity as Treasurer (C00466839)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

11092654515



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 17, 2010

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 2135 – Meister for Senate and Ryan C. Scott, in his official capacity as Treasurer
(C00466839)

Summary of Recommendation

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$2,080 civil money penalty.

Reason-to-Believe Background

On June 10, 2010, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2010 April Quarterly Report and made a preliminary determination that the civil money penalty was \$2,080, based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified by the Reports Analysis Division ("RAD") on June 11, 2010 of the Commission's RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee shall file a report for the quarter ending March 31 no later than April 15. 2 U.S.C. § 434(a)(2)(A)(iii) and 11 C.F.R. § 104.5(a)(1)(i). All reports required to be filed by the principal campaign committee of a candidate for the office of U.S. Senator shall be filed with the Secretary of the Senate. 2 U.S.C. § 432(g)(1) and 11 C.F.R. § 105.2. Reports sent by registered or certified mail, by Express or Priority Mail with delivery confirmation or by overnight delivery service with an online tracking system, and scheduled for next business day delivery, must be postmarked, or deposited with the mailing service, no later than the April 15 to be timely filed. Reports sent by first class mail must be received by the close of business on the filing date to be timely filed. 2 U.S.C. § 434(a)(5), and 11 C.F.R. §§ 100.19(b) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Respondents' Challenge and Analysis

On July 21, 2010, the Commission received the written response ("challenge") from the Treasurer, challenging the RTB penalty. The Treasurer requests the Commission's leniency and focuses the challenge on three main points:

- Due to a clerical error, the proposed civil money penalty is improperly calculated. The original April Quarterly Report contained activity disclosed on a prior report, inflating their actual activity for the reporting period and resulting in a proposed

penalty of \$2,080. The respondents have since filed an amended report correcting their activity.

- The Committee experienced technical difficulties beyond its control on the day of the filing deadline.
- All activity disclosed on the April Quarterly Report, including \$90,400 in loans from the candidate, was for the purpose of winding down and any additional financial burden will delay their ability to terminate.

One of the criteria used to calculate the civil money penalty under the administrative fine regulations is the level of activity, defined as the total amount of receipts and disbursements for the period covered by the late report. 11 C.F.R. § 111.43(d)(3)(i). The challenge asserts that their civil money penalty was improperly calculated at the RTB stage given that their original report erroneously included financial activity previously reported, resulting in an inflated level of activity and subsequent fine amount.

The respondents' original April Quarterly Report, covering January 1 through March 31, was filed on April 23, eight days late. This report included financial activity previously disclosed on their 12 Day Pre-Primary Report, specifically activity occurring January 1 through January 13. Because the respondents included 13 days of activity previously reported, activity occurring on these days was subtracted from the total receipts and disbursements disclosed on the original April Quarterly Report when determining the level of activity for purposes of the administrative fine calculation. Additionally, because the respondents disclosed \$2,566 in unitemized contributions, which do not disclose a date of receipt, a prorated percentage of 85.6 was used to determine an estimated amount of unitemized contributions, based on the fact that the report should have covered 77 days rather than 90 ($77/90=85.6\%$). The level of activity used to calculate the penalty at RTB was \$171,153, including \$95,200 in itemized total receipts, \$2,195 in pro-rated unitemized receipts, and \$73,758 in total disbursements.

The Amended April Quarterly Report, filed on July 22, covers January 14 through March 31, correcting their coverage dates, as well as their level of activity. The amended report discloses total receipts of \$96,226 and total disbursements of \$74,222. The amended level of activity (\$170,448) falls within the same \$150,000-\$199,999.99 bracket on the schedule of penalties as that used at RTB, resulting in no change to the civil money penalty; $[\$880 + (\$150 \times 8)] \times [1 + (.25 \times 0)]$ or \$2,080.

The Treasurer states that technical difficulties experienced on the filing deadline were an issue in their ability to file in a timely manner and that when they informed their Analyst of this on the April 15 deadline, they were advised to file the report as soon as possible. Although RAD telephone logs disclose no such conversation relating to the April Quarterly Report, records do indicate that the Treasurer called the Analyst on April 29 indicating that he was experiencing technical difficulties with their vendor, NGP, when attempting to file an amended 2009 Year End Report that was due on the day of his call. Additionally, according to the Commission's Electronic Filing Office, there are no records indicating that the respondents have ever downloaded the Commission's FECfile filing software. Based on this and the Treasurer's reference to "NGP" in the April 29 conversation with the RAD Analyst, it appears that the respondents use software other than FECfile to create their reports. The administrative fine

regulations specifically state that delays caused by committee vendors or contractors, and committee computer or software failures are not reasonably unforeseen circumstances. 11 C.F.R. § 111.35(d).

The other issues raised in the challenge (candidate loans constituted 93% of the total receipts for the period; the Committee is in the process of winding down; and additional financial burden would delay their ability to terminate) also do not fall within the list of grounds enumerated at 11 C.F.R. § 111.35(b). These are (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances.

The Reviewing Officer, therefore, recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,080.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2135 involving Meister for Senate and Ryan C. Scott, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2135 that Meister for Senate and Ryan C. Scott, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,080; and
- (3) Send the appropriate letter.

Reviewing Officer: Dayna C. Brown

Attachments

Attachment 1 – Challenge Received from Respondents

Attachment 2 –

Attachment 3 – Declaration from RAD

Attachment 4 – Declaration from OAR

DECLARATION OF DAYNA C. BROWN

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) The 2010 April Quarterly Report is due April 15, 2010. Senate principal campaign committees must file reports with the Secretary of the Senate. Reports sent by first class mail are considered filed on the date of receipt. If the report is sent by certified or registered mail, Priority or Express Mail with delivery confirmation, or by overnight delivery service with an on-line tracking system and scheduled for next business day delivery, it must be postmarked, or delivered to the service, by the close of business on April 15 to be timely filed.
- 3) It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to administrative fine regulations, including due dates of reports and filing requirements.
- 4) I hereby certify that I have searched the Commission's public records and the documents identified herein are the true and accurate copies of:
 - (a) Page 1 of the Summary Page and Pages 3 and 4 of the Detailed Summary Page, the envelope, and the Senate Office of Public Records postmark sheet for the 2010 April Quarterly Report filed via United States Postal Service Priority Mail (without delivery confirmation) by Meister for Senate and Ryan C. Scott, in his official capacity as Treasurer. According to Commission records, the report covers the period from January 1 through March 31, 2010 and was sent on April 15, 2010 and received on April 23, 2010. Line 16 lists \$99,036.00 in total receipts and Line 22 lists \$198,720.95 in total disbursements for the period.
 - (b) Page 1 of the Summary Page and Pages 3 and 4 of the Detailed Summary Page, the envelope, and the Senate Office of Public Records postmark sheet for the Amended 2010 April Quarterly Report filed via United States Postal Service Priority Mail (without delivery confirmation) by Meister for Senate and Ryan C. Scott, in his official capacity as Treasurer. According to Commission records, the report covers the period from January 14 through March 31, 2010 and was sent on July 22, 2010 and received on July 27, 2010. Line 16 lists \$96,226.00 in total receipts and Line 22 lists \$74,222.93 in total disbursements for the period.
- 5) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 17th of September, 2010.



Dayna C. Brown
Reviewing Officer
Office of Administrative Review
Federal Election Commission

11092654519

FEC
FORM 3

**REPORT OF RECEIPTS
AND DISBURSEMENTS**
For An Authorized Committee

SECRETARY OF THE SENATE

10 APR 23 PM 1:26

Office Use Only

1. NAME OF
COMMITTEE (in full)

USE FEC MAILING LABEL
OR TYPE OR PRINT

Example: If typing, type
over the lines

Master for Senate

ADDRESS (number and street)

2129 N. Western Ave.



Check if different
than previously
reported. (ACC)

Chicago

IL

60647

2. FEC IDENTIFICATION NUMBER

CITY

STATE

ZIP CODE

STATE DISTRICT

C00466839

3. IS THIS
REPORT



NEW
(N)

OR



AMENDED
(A)

IL

00

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:



April 15 Quarterly Report (Q1)



July 15 Quarterly Report (Q2)



October 15 Quarterly Report (Q3)



January 31 Year-End Report (YE)



Termination Report (TER)

(b) 12-Day PRE-Election Report for the:



Primary (12P)



General (12G)



Runoff (12R)



Convention (12C)



Special (12S)

Election on

In the
State of

(c) 30-Day POST-Election Report for the:



General (30G)



Runoff (30R)



Special (30S)

Election on

In the
State of

5. Covering Period

01

01

2010

through

03

31

2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Mr. Ryan C Scott

Signature of Treasurer

Electronically Filed by Mr. Ryan C Scott

Date

RCS

04

04

2010

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. 437g.

Office
Use
Only

FESAN016

FEC FORM 3
(Revised 02/2009)

11092654520

10020322323

DETAILED SUMMARY PAGE of Receipts

FEC Form 3 (Revised 12/2002)

3 / 120

Write or Type Committee Name
Meisler for Senate

Report Covering the Period:

From:

MM DD YYYY
01 01 2010

To:

MM DD YYYY
03 31 2010

I. RECEIPTS

COLUMN A
Total This Period

COLUMN B
Election Cycle-to-Date

11. CONTRIBUTIONS (other than loans) FROM:

(a) Individuals/Persons Other Than
Political Committees

(i) Itemized (use Schedule A).....

6070.00

52160.00

(ii) Unitemized.....

2566.00

12519.70

(iii) TOTAL of contributions

8636.00

64679.70

from individuals.....

(b) Political Party Committees.....

0.00

0.00

(c) Other Political Committees
(such as PACS).....

0.00

0.00

(d) The Candidate.....

0.00

0.00

(e) TOTAL CONTRIBUTIONS

8636.00

64679.70

(other than loans)

(add Lines 11(a)(i), (b), (c), and (d))

12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES.....

0.00

0.00

13. LOANS

(a) Made or Guaranteed by the
Candidate.....

90400.00

616055.00

(b) All Other Loans.....

0.00

1000000.00

(c) TOTAL LOANS

90400.00

1616055.00

(add Lines 13(a) and (b)).....

14. OFFSETS TO OPERATING EXPENDITURES

(Refunds, Petitions, etc.).....

0.00

0.00

15. OTHER RECEIPTS

(Dividends, Interest, etc.).....

0.00

0.00

16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4).....

99036.00

1690734.70

11092654521

10020322325

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3 (Revised 02/2003)

4 / 128

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES.....	80821.36	488139.65
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES.....	16526.75	16526.75
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	9053.67	9053.67
(b) Of all Other Loans.....	2827.33	2827.33
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	11881.00	11881.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees.....	24154.58	24154.58
(b) Political Party Committees.....	30353.21	30353.21
(c) Other Political Committees (such as PACs).....	2398.95	2398.95
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)).....	56906.74	56906.74
21. OTHER DISBURSEMENTS.....	32585.10	32585.10
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ➤	198720.95	606339.24

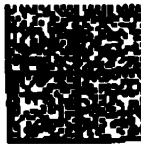


III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	1.00
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....	99038.00
25. SUBTOTAL (add Line 23 and Line 24).....	99037.00
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	198720.95
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	-99683.95

11092654522

10020322326

11092654523

P		U.S. POSTAGE
		\$5.95
		PRIORITY
		60898
		Date of Sale
		04/15/10
		02 1P60
		00242511
APC		
POSTNET SALES		
USPS® PRIORITY MAIL®		
REF		15.6.10 oz
FOI SENATE OFFICE OF PMS. RECORD		0006
HART SENATE OFFICE BLDG.		
2nd & Constitution Ave, N.E.		
WASHINGTON, DC		
20510-6425		
WASHINGTON DC 20510		
		
ZIP		
	(420) 20510	

Security 24
State Post Office
APR 22 2010

10020322452

NANCY ERICKSON
SECRETARY

JANNA S. MCCALLUM
SUPERINTENDENT
MAINTENANCE Office Building
Suite 202
Washington, DC 20510-7115
Phone: (202) 224-0028

United States Senate

OFFICE OF THE SECRETARY

OFFICE OF PUBLIC RECORDS

THE PRECEDING DOCUMENT WAS:

HAND DELIVERED _____

Date of Receipt

USPS FIRST CLASS MAIL _____

Postmark

USPS REGISTERED/CERTIFIED _____

Postmark

USPS PRIORITY MAIL _____

04-15-10

Postmark

DELIVERY CONFIRMATION OR SIGNATURE CONFIRMATION LABEL ☐

USPS EXPRESS MAIL _____

Postmark

OVERNIGHT DELIVERY SERVICE:

SHIPPING DATE

NEXT BUSINESS DAY DELIVERY

FEDERAL EXPRESS _____

☐

UPS _____

☐

DHL _____

☐

AIRBORNE EXPRESS _____

☐

RECEIVED FROM FEDERAL ELECTION COMMISSION _____

Date of Receipt

POSTMARK ILLEGIBLE ☐

NO POSTMARK ☐

FAX _____

Date of Receipt

OTHER _____

Date of Receipt or Postmark

PREPARER

RD

DATE PREPARED

04-23-10

11092654524

10020322453

FEC
FORM 3

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee

SECRETARY OF THE SENATE

10 JUL 27 PM 12:39

Office Use Only

1. NAME OF COMMITTEE (in full) **USE FEC MAILING LABEL OR TYPE OR PRINT** **Example: typing, type over the lines**

Master for Senate

ADDRESS (number and street) **2128 N. Western Ave.**

Check if different than previously reported. (ACC)

Chicago

IL

60647

2. FEC IDENTIFICATION NUMBER **000468839**

CITY **A**

STATE **A**

ZIP CODE **A**

STATE **V** DISTRICT

3. IS THIS REPORT **NEW** OR **AMENDED** (A)

IL

00

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

- ☒ April 15 Quarterly Report (Q1)
☐ July 15 Quarterly Report (Q2)
☐ October 15 Quarterly Report (Q3)
☐ January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

- ☐ Primary (12P) ☐ General (12G) ☐ Runoff (12R)
☐ Convention (12C) ☐ Special (12S)

Election on

in the State of

(c) 30-Day POST-Election Report for the:

- ☐ General (30G) ☐ Runoff (30R) ☐ Special (30S)

Election on

in the State of

5. Covering Period **01** **16** **2010** through **03** **31** **2010**

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Mr. Ryan C. Scott

Signature of Treasurer

Filed by

Date

07

22

2010

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. 437g.

Office
Use
Only

FEC FORM 3
(Revised 02/2003)

FESAN015

11092654525

10020580295

DETAILED SUMMARY PAGE of Receipts

FEC Form 8 (Revised 12/2008)

3/95

Write or Type Committee Name
Mayor for Senate

Report Covering the Period:

From:

01 06 2010

To:

03 06 2010

I. RECEIPTS

COLUMN A
Total This Period

COLUMN B
Election Cycle-to-Date

11. CONTRIBUTIONS (other than loans) FROM:

- (a) Individuals/Persons Other Than
Political Committees
(i) Remitted (Use Schedule A).....
(ii) Unremitted.....
(iii) TOTAL of contributions
from individuals..... ▶
- (b) Political Party Committees.....
- (c) Other Political Committees
(such as PACS).....
- (d) The Candidate.....
- (e) TOTAL CONTRIBUTIONS
(other than loans)
(add Lines 11(a)(ii), (b), (c), and (d))

4700.00	48070.00
1125.00	12784.70
5825.00	60854.70
0.00	0.00
0.00	0.00
0.00	0.00
5825.00	60854.70

12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES:

0.00	0.00
------	------

13. LOANS

- (a) Made or Guaranteed by the
Candidate.....
- (b) All Other Loans.....
- (c) TOTAL LOANS
(add Lines 13(a) and (b)).....

80400.00	618055.00
0.00	1000000.00
80400.00	1618055.00

14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)

0.00	0.00
------	------

15. OTHER RECEIPTS (Dividends, Interest, etc.)

0.00	0.00
------	------

16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4) ▶

98225.00	1676909.70
----------	------------

PESAN018

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10020580297

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3 (Revised 02/2003)

4/05

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES.....	50928.23	550055.29
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES.....	0.00	180.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	0.00	0.00
(b) Of all Other Loans.....	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	0.00	0.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees.....	0.00	319.51
(b) Political Party Committees.....	298.36	298.36
(c) Other Political Committees (such as PACs).....	198.40	198.40
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)).....	496.76	756.27
21. OTHER DISBURSEMENTS.....	18856.94	19445.88
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ▶	74222.93	578437.44

II. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	1076462.09
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 0).....	98226.00
25. SUBTOTAL (add Line 23 and Line 24).....	1172688.09
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	74222.93
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	1098465.16

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60647
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\$4.90
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From/Expéditeur:

MEISTER FOR SENATE
2129 N. WESTERN AVE
CHICAGO, IL 60647

To/Destination:

Office of Public Record
PO BOX 2517
Alexandria, VA 22301

Country of Destination/Pays de destination:



Recycled
Paper



EP14F

This envelope is for use with the Flat Rate Mail and is not to be used for other purposes. For more information, visit usps.com.

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NANCY ERICKSON
SECRETARY

DANA E. MCCALLUM
SUPERVISOR

MAIL ROOMS OFFICE BUILDING
SUITE 232
WASHINGTON, DC 20510-1110
Phone: (202) 224-4322

United States Senate

OFFICE OF THE SECRETARY

OFFICE OF PUBLIC RECORDS

THE PRECEDING DOCUMENT WAS:

HAND DELIVERED _____

Date of Receipt

USPS FIRST CLASS MAIL _____

Postmark

USPS REGISTERED/CERTIFIED _____

Postmark

USPS PRIORITY MAIL

07-22-10

Postmark

DELIVERY CONFIRMATION OR SIGNATURE CONFIRMATION LABEL ☐

USPS EXPRESS MAIL _____

Postmark

OVERNIGHT DELIVERY SERVICE:

SHIPPING DATE

NEXT BUSINESS DAY DELIVERY

FEDERAL EXPRESS _____

☐

UPS _____

☐

DHL _____

☐

AIRBORNE EXPRESS _____

☐

RECEIVED FROM FEDERAL ELECTION COMMISSION _____

Date of Receipt

POSTMARK ILLEGIBLE ☐

NO POSTMARK ☐

FAX _____

Date of Receipt

OTHER _____

Date of Receipt or Postmark

PREPARER

RD

DATE PREPARED

07-27-10

11092654529

10020580391



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

September 27, 2010

Ryan C. Scott, in his official capacity as Treasurer
Meister for Senate
2129 N. Western Avenue
Chicago, IL 60647

C00466839
AF# 2135

Dear Mr. Scott:

On June 10, 2010, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Meister for Senate and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to timely file the 2010 April Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$2,080 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Dayna C. Brown
Reviewing Officer
Office of Administrative Review

Attachment

11092654530



**Jacob
Meister**

FOR U.S. SENATE (D)

A VOICE FOR ILLINOIS

October 7, 2010

Commission Secretary
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: Identification Number: C00466839
Reference: AF 2135
Objection to Reviewing Officer's Determination

Commissioners:

Meister for Senate and Ryan Scott in his official capacity as Treasurer ("Respondents") are in receipt of the determination of the Reviewing Officer and object to her findings.

Meister for Senate was an unsuccessful U.S. Senate campaign in Illinois. The primary election was held on February 2, 2010. Mr. Meister withdrew prior to the primary and therefore lost the election. The quarterly report at issue was due on April 15, more than two months after the primary election. It was filed late due to difficulties with the internet which were beyond Respondents' control and due to the fact that the Committee was shut down abruptly because Mr. Meister withdrew from the election and could not afford to pay any staff or even for its own internet service.

At the time of withdrawal, the Committee did not have adequate money to pay its suppliers or vendors. Consequently, Mr. Meister personally contributed \$90,400 of the funds raised in the quarter so that staff members and vendors could be paid. However, the Committee still has a deficit and is trying to raise funds to pay its creditors. It is manifestly unfair and inequitable that the funds that Mr. Meister personally contributed after the primary election (and in order to pay staff and creditors) should be used to calculate the amount of the fine and that the amounts disbursed with these funds should also be included in calculating the fine. The Commission should support candidates, such as Mr. Meister, who uses their own funds to retire debt, rather than leaving creditors unpaid. To fine the Committee under these circumstances would provide an incentive for candidates to leave creditors unpaid, rather than facing potential fines which only grow larger with each dollar that the candidate pays out of his or her own pocket. Respondents should not be penalized because Mr. Meister did the right thing.

During the quarter at issue, the Committee raised only \$4,700 and disbursed \$7,826 in excess of Mr. Meister's contributions. Accordingly, in the interests of equity and fairness, if Respondents are fined, the fine should be based upon \$12,526 in receipts and disbursements in excess of Mr. Meister's personal contributions. (\$55 + \$5 x 8 days = \$95).

A finding against the Respondents will cause severe and undue financial hardship. The Committee is currently in the process of attempting to retire its debt and the proposed fines will make it more difficult to pay existing debts and terminate the Committee.

P.O. Box 220448 | Chicago, IL 60622 | (773) 235-8852 | www.MeisterForSenate.com

Paid for by Meister for Senate

Contributions are not tax deductible for Federal Income Tax purposes. Federal law requires political committees to report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of \$200 in a calendar year. Corporate checks cannot be accepted.

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**Jacob
Meister**

FOR U.S. SENATE ID#

A VOICE FOR ILLINOIS
Commission Secretary
Federal Election Commission
October 7, 2010
Page 2 of 3

Additionally, the Committee seeks leniency in this matter due to technical difficulties beyond the control of the Committee that were experienced on the day of the filing deadline. Even though the Commission's records do not reflect the fact that Mr. Scott placed a call to the Commission, Mr. Scott's accompanying affidavit demonstrates that he used his best efforts to advise the Commission of the circumstances regarding his delay and was given information upon which he relied.

Specifically, on April 15, 2010, the Treasurer, Ryan Scott, promptly informed the Committee's assigned analyst, Vicki Sue Davis, of this difficulty and was instructed to file the report as soon as possible. The Committee took this advice and filed as soon as the technical issues were resolved. The Committee understands that software issues and technical problems outside the control of the Commission are not generally grounds for challenging an administrative fine. However, the Committee thinks the Commission should know that this was an issue beyond its control that prevented it from filing in a timely manner.

It is telling that the Reviewing Officer's report does not contain an affidavit from Vicki Sue Davis, the individual with whom Mr. Scott spoke. As the Commission is aware, April 15 was the deadline for all committees to file quarterly reports and, as a result, the Commission's staff would have received an extraordinary number of calls on April 15. In light of the volume of work on April 15, it is entirely possible (if not likely) that staff, including Ms. Davis might not have logged the telephone call from Mr. Scott.

Further, the Reviewing Officer's recommendation makes much to do about the failure of the Committee to download the FECFile software. However, because U.S. Senate candidates file paper copies of reports and do not file electronically, there is no use for a Senate candidate to use the FECFile software. As a result, Senate candidates have no alternative but to either prepare reports manually or make use of third party software.

Finally, the Committee requests leniency due to the fact that it is in the process of winding down and any additional financial burden will delay its ability to terminate. Thus, the Committee hopes the Commission will consider the implications that additional costs will have in further delaying the termination process.

Based upon the foregoing, the Respondents request that:

1. The Commission permit them to appear and testify personally in this matter; or
2. Alternatively, the Committee requests that this matter be referred to the ADR process to determine the factual matters that are in dispute; and/or

P.O. Box 220448 | Chicago, IL 60622 | (773) 235-8852 | www.MeisterForSenate.com

Paid for by Meister for Senate

Contributions are not tax deductible for Federal Income Tax purposes. Federal law requires political committees to report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of \$200 in a calendar year. Corporate checks cannot be accepted.

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**Jacob
Meister**

A VOICE FOR ILLINOIS

Commission Secretary

Federal Election Commission

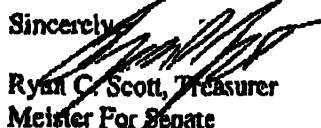
October 7, 2010

Page 3 of 3

3. The Commission find that the Committee used its best efforts to file in a timely manner, and/or
4. That the maximum that the Committee be fined is base upon a level of activity of \$12,526. The following statement challenges the calculation of the proposed \$2,080 assessed to Meister for Senate for the late filing of the 2010 April Quarterly Report and asks for leniency in this matter due to the Committee's efforts to wind down the campaign.

The Committee asks the Commission to please take these facts into consideration as it evaluates this case.

Sincerely,


Ryan C. Scott, Treasurer
Meister For Senate

P.O. Box 220448 | Chicago, IL 60622 | (773) 235-8852 | www.MeisterForSenate.com

Paid for by Meister for Senate

Contributions are not tax deductible for Federal Income Tax purposes. Federal law requires political committees to report the name, mailing address, occupation and name of employer for each individual whose contributions aggregate in excess of \$200 in a calendar year. Corporate checks cannot be accepted.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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SECRET
2011 MAR 11 P 3:43

March 14, 2011

SENSITIVE

MEMORANDUM

To: The Commission

Through: Alec Palmer *AP*
Acting Staff Director

From: Patricia Carmona *PC*
Chief Compliance Officer

Dayna C. Brown *DCB*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2135 – Meister for Senate and Ryan C. Scott, in his official capacity as Treasurer (C00466839)

On June 10, 2010, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2010 April Quarterly Report and also made a preliminary determination that the civil money penalty was \$2,080 based on the schedule of penalties at 11 C.F.R. § 111.43.

On July 21, 2010, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation ("ROR") dated September 17, 2010 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$2,080 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f).

On October 8, 2010, the Commission received the written response and affidavit from the Treasurer, which expands upon the three main points raised in the challenge and addressed in the ROR:

1. The level of activity used to calculate the civil money penalty;
2. Technical difficulties experienced beyond the Committee's control on the filing deadline; and

3. The respondents' request for leniency given that they are in the process of winding down.

As noted in the original challenge, the Treasurer states that the Candidate personally contributed \$90,460 to the Committee during the reporting period. This was done because the Committee did not have adequate money to pay its suppliers/vendors. The respondents state that it is unfair and inequitable to include funds contributed by the Candidate after the primary, in order to pay debt, in the calculation of the civil money penalty. They state that the fine should instead be calculated based on a level of activity of \$12,526, which is the level of activity in excess of the Candidate's personal contributions.

For purposes of Administrative Fine penalty calculations, the level of activity for an authorized committee is defined as the total amount of receipts and disbursements for the period covered by the late report. 11 C.F.R. § 111.43(d)(3)(i). The regulations are clear that loans made, endorsed or guaranteed by the Candidate are categorized as receipts for authorized committees. 11 C.F.R. § 104.3(a)(3)(vii). Their amended report discloses \$96,226 in receipts (including \$90,400 in loans from the Candidate) and \$74,222 in disbursements, resulting in a level of activity of \$170,448, which falls within the same \$150,000-\$199,999.99 bracket on the schedule of penalties as that used at RTB. This results in no change to the civil money penalty that was calculated at RTB: $[\$880 + (\$150 \times 8)] \times [1 + (.25 \times 0)]$ or \$2,080.

The written response again seeks the Commission's leniency due to technical difficulties beyond their control on the filing deadline and asserts that the Treasurer used his best efforts to advise the Commission of the reason for the delayed filing. The Treasurer's affidavit states that he placed a call to his Analyst on April 16, informing her that he was having difficulty beyond his control finalizing the report. The affidavit further states that his Analyst advised him to file the report as soon as possible, which he did as soon as the technical issues were resolved.

The supplemental response of the Reports Analysis Division's ("RAD") Authorized Branch Chief states that RAD Analysts are required to document any conversations related to filing difficulties. Specifically, the Branch Chief states that the Analyst documented all calls she received from the Treasurer in April 2010, and there is no record of a conversation on April 15. Notwithstanding the fact that there is no record of the respondents' having notified the RAD Analyst on April 15 of the technical difficulties in filing the April Quarterly Report, notifying the Analyst would not have negated the regulatory requirement of the Treasurer to file the report on time. 11 C.F.R. § 104.14(d).

Additionally, the Branch Chief provides records of conversations between the Treasurer and RAD Analysts which are written by the Analysts with whom the Treasurer spoke. She notes that conversations between the Treasurer and his Analyst, which took place on April 26 and 29, pertain to the filing of the Amended 2009 Year End Report, and not the 2010 April Quarterly Report. As discussed in the ROR, RAD records indicate that the Treasurer called the Analyst on April 29 indicating that he was experiencing technical difficulties with their vendor, NGP, when attempting to file an amended 2009 Year End Report that was due on the day of his call. The Analyst advised the Treasurer to file that report as soon as possible.

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The respondents correctly state that as a Senate committee, they cannot file electronically, however, Senate committees can use the Commission's FECFile software to prepare their reports and print them for paper submission. The respondents, however, do not use the Commission's FECFile software, as was noted in the ROR, and it was therefore not a failure of Commission software or computers that prevented the respondents from filing timely. The Treasurer indicates that the report was filed late due to difficulties with the internet after the Candidate withdrew from the election and they could no longer afford to pay for staff or internet service. The administrative fine regulations specifically state that delays caused by committee vendors or contractors, and committee computer or software failures are not reasonably unforeseen circumstances. 11 C.F.R. § 111.35(d).

With respect to the Treasurer's request to appear to testify personally in this matter or to alternatively have the matter referred to the Alternative Dispute Resolution Office ("ADRO") for processing, the administrative fine regulations do not provide for a "hearing" or referral to ADRO; instead, the regulations at 11 C.F.R. § 111.38 explain that the respondents may submit a written petition in U.S. District Court if they want to appeal the Commission's final determination.

Finally, the respondents state that they are in the process of winding down. The Treasurer's affidavit states that the proposed fine would pose a financial hardship and make it difficult to pay existing debt that they are currently attempting to retire in an effort to terminate the Committee.

While the Reviewing Officer is sympathetic to the financial situation of the respondents, financial hardship does not fall within the list of defenses enumerated at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. The Reviewing Officer, therefore, recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,080.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2135 involving Meister for Senate and Ryan C. Scott, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2135 that Meister for Senate and Ryan C. Scott, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,080; and
- (3) Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation –) AF 2135
Meister for Senate and Ryan C. Scott, in)
his official capacity as Treasurer)
(C00466839))

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on March 24, 2011, the Commission decided by a vote of 4-0 to take the following actions in AF 2135:

1. Adopt the Reviewing Officer recommendation for AF# 2135 involving Meister for Senate and Ryan C. Scott, in his official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 2135 that Meister for Senate and Ryan C. Scott, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$2,080.
3. Send the appropriate letter.

Commissioners Bauerly, McGahn II, Petersen, and Walther voted affirmatively for the decision. Commissioners Hunter and Weintraub did not vote

Attest:

March 25, 2011
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

11092654537



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 28, 2011

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ryan C. Scott, in his official capacity as Treasurer
Meister for Senate
2129 N Western Avenue
Chicago, IL 60647

C00466839
AF# 2135

Dear Mr. Scott:

On June 10, 2010, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Meister for Senate and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to timely file the 2010 April Quarterly Report. By letter dated June 11, 2010, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$2,080 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On July 21, 2010, the Office of Administrative Review received the written response from you, in your official capacity as Treasurer, challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Meister for Senate and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$2,080 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on September 27, 2010.

On October 8, 2010, the Commission received your response. On March 24, 2011, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Meister for Senate and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$2,080. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the final determination recommendation is attached.

If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final

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determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). The failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

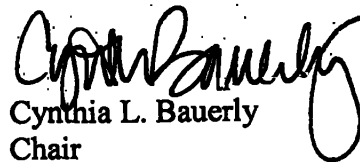
If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, send the enclosed form and payment to the address on page 3 within 30 days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Dayna Brown on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,


Cynthia L. Bauerly
Chair

Attachment

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$2,080 for the 2010 April Quarterly Report.

This penalty should be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC # 979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Meister for Senate

FEC ID#: C00466839

AF#: 2135

PAYMENT AMOUNT DUE: \$2,080

FOR: Meister for Senate

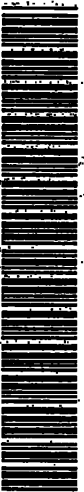
FEC ID#: C00466839

AF#: 2135

PAYMENT AMOUNT DUE: \$2,080

3

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 001 \$ 0000208000 BA# 1 06-09-11 20 3



MEISTER FOR SENATE P.O. BOX 22048 CHICAGO, IL 60622		10378 236830710
DATE 6/6/11		
ORDER OF Federal Election Commission		
FOR 100466839 AF# 2135		
Signature: [Handwritten Signature]		
DOLLARS \$2080.00		
NE		

17555926011



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2135

DATE SCANNED 7-5-11

SCANNER NO. 2

SCAN OPERATOR JmN

11092654542